

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA §
§
vs. § NO: WA:21-CR-00002(1)-ADA
§
(1) MICHAEL ORVILLE ANDERSON II §

ORDER ACCEPTING AMENDED REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On August 17, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) MICHAEL ORVILLE ANDERSON II, which alleged that Anderson violated a condition of his supervised release and recommended that Anderson 's supervised release be revoked (Clerk's Document No. 174). A warrant issued and Anderson was arrested. On August 25, 2023, Anderson appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Anderson appeared before the magistrate judge on March 19, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and

recommendation on May 8, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Anderson, the magistrate judge recommends that this court revoke Anderson supervised release and that Anderson be sentenced to TIME SERVED, with a term of TWENTY-FOUR (24) months of supervised release to follow the term of imprisonment (Clerk's Document No. 224).

The Defendant should receive credit for time served since the date of his arrest.

The Court re-imposes the most recent conditions of supervised release. The Defendant may be eligible for early termination after one year without any violations. Defendant is to report to the United States Probation Office to the U.S. probation department on or by on Tuesday, April 2, 2024. The Court should also order a mental health evaluation and order the Defendant to participate in whatever mental health counseling deemed appropriate.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from

attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass 'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On March 19, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 219). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 224) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) MICHAEL ORVILLE ANDERSON II's term of supervised release is hereby REVOKED.

IT IS FURTHER ORDERED that Defendant (1) MICHAEL ORVILLE ANDERSON II be sentenced to TIME SERVED with a term of supervised release of TWENTY-FOUR (24)

months to follow the term of imprisonment. All prior conditions of supervised release are reimposed. The Defendant may be eligible for early termination after one year without any violations. Defendant is to report to the United States Probation Office to the U.S. probation department on or by on Tuesday, April 2, 2024. The Defendant will attend a mental health evaluation and participate in whatever mental health counseling deemed appropriate.

Signed this 8th day of May, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE